

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Section 63.71 Application of)	WC Docket No. 11-129
)	
AT&T Corp. d/b/a AT&T Advanced Solutions)	Comp. Pol. File No. 1000
)	
For Authority Pursuant to Section 214 of The)	
Communications Act of 1934, As Amended, to)	
Discontinue the Provision of Service)	

**COMMENTS OF
RAW BANDWIDTH COMMUNICATIONS, INC. AND
RAW BANDWIDTH TELECOM, INC.
ON THE
APPLICATION OF AT&T Corp. d/b/a AT&T Advanced Solutions to Discontinue
Domestic Telecommunications Services
Particularly PremierSERV Asynchronous Transfer Mode (ATM) Service**

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Introduction

I write on behalf of Raw Bandwidth Communications, Inc., an Internet Services Provider specializing in broadband access services, and its affiliated CLEC subsidiary, Raw Bandwidth Telecom, Inc. in response to DA 11-1322 (Released: July 29, 2011) with comments on the application of AT&T to discontinue PremierSERV ATM, and ask the Commission to deny AT&T's request until it has provided companies that wholesale its DSL transport service adequate assurances with respect to pricing and pricing policies of the functionally identical service AT&T is offering as a replacement to PremierSERV ATM for purposes of backhauling layer 2 DSL traffic to ISPs. The companies I represent offer retail products to end users that rely on both AT&T wholesale DSL transport and the PremierSERV ATM service that AT&T proposes discontinuing. We have been operating as an ISP in California since April of 1997, and have been offering DSL service over AT&T's (then Pacific Bell's) wholesale DSL network since July 1999.

At present, PremierSERV ATM or a functional equivalent from AT&T is **required** as the backhaul service for AT&T's wholesale DSL transport, and customer Internet service providers **are not able to purchase a replacement backhaul service from any other carrier.**

Furthermore, the MPLS-based VPN service AT&T discusses in their notice letter is **not suitable nor available to backhaul AT&T's wholesale DSL.** In response to AT&T's notice letter dated July 1, 2011, and a separate notice about a replacement functionally equivalent ATM service for the limited purpose of DSL transport backhaul that AT&T is making available, I made inquiries with our AT&T account manager, and received an initial response, but have not received any response to follow-up questions despite nearly four weeks having passed since I posed them to AT&T. In light of AT&T's response to my initial questions, my primary concerns center around what the cost and term commitment policies of the functionally equivalent DSL transport backhaul service will be, and what assurances with respect to pricing the ISP and other customers of wholesale DSL transport will have as there will no longer be a market for general enterprise use of the ATM product and the attendant other customer segments of the service to help keep prices in check. As I stated, customers of wholesale DSL transport do not (and will not) have the option to purchase a replacement service for the backhaul component from any

other carrier, at minimum they must purchase a backhaul ATM port from AT&T, under one AT&T product name or another.

ATM for Wholesale DSL Transport Backhaul, and the Term Pricing Dilemma

AT&T provides wholesale DSL transport services to ISPs (and others) who purchase the use of DSL connections to their end users at a given speed, and then receive layer-2 network traffic from the DSL circuits over an ATM connection to the ISP. ISP's must purchase at minimum an ATM aggregation port from AT&T to receive traffic from the DSL lines that it subscribes to, and ISPs do not have the option to purchase this network element from any other provider. Furthermore, the MPLS-based VPN service that AT&T is offering as a migration path for its general enterprise customers of the ATM service is not suitable nor available for wholesale DSL transport backhaul. Up to this point, PremierSERV ATM was used both by the ISP customer segment as backhaul for wholesale DSL transport as well as general enterprise customers who use multiple ATM circuits to build their own networks. By virtue of having this additional significant enterprise customer segment for the service, it has helped to keep the prices for AT&T's ATM services in check to some degree even though ISPs subscribing to wholesale DSL transport services from AT&T really don't have any other options but to purchase ATM service from AT&T. With the discontinuance of PremierSERV ATM and the replacement "Wholesale DSL Aggregation Service" product, pricing to ISPs, who have no alternatives, will have no competitive forces in effect to help keep prices under control.

On July 25, 2011, I received an ISP Notification # ISPATTAS11.005 entitled "Introduction of Wholesale DSL Aggregation Service", telling us that this new service would be available as of July 29th for the limited purpose of backhauling wholesale DSL transport circuits to replace the PremierSERV ATM service used for backhaul they are intending to discontinue. I contacted our AT&T account manager by email with a number of questions about this new service and its impact to us, and in response to these questions I learned that "Wholesale DSL Aggregation Service" is functionally identical to PremierSERV ATM—in fact it remains ATM service—but would be limited to being used to backhaul wholesale DSL transport circuits and not available for use by general enterprise customers, ie. it's not available to connect from one

Wholesale DSL Aggregation Service port to another Wholesale DSL Aggregation Service port, but only to connect wholesale DSL transport circuits to the aggregation port. Furthermore, there would be no reprovisioning necessary if we change to this new product name, we would continue with our existing ATM port and it would only amount to a contract change. Since my companies' uses PremierSERV ATM service solely for the purpose of DSL transport backhaul, so far the answers to my questions were satisfactory to us.

But there remains a major concern about the price of Wholesale DSL Aggregation Service ports, especially in light of the fact that there won't be any general enterprise customers to help keep the prices in check, just a very small subset of existing PremierSERV ATM customers who use the service for wholesale DSL transport backhaul, mostly Internet service providers who have no alternatives available to them. In response to my questions about pricing, AT&T's response on August 2nd, 2011 was:

“All pricing is anticipated to be ICB, since there are private carriage arrangements. However, a customer can expect to pay the same rate they are currently paying for their ATM service if they have an ICB contract.”

At first that seems reasonable, but it leaves a lot of unanswered questions. In particular, our existing 5-year ATM contract expires in the April/May 2012 timeframe. In response to this answer, I followed up with questions the same evening (August 2nd) about whether these price assurances would apply beyond existing contract terms on PremierSERV ATM, whether renewals would be available at the same prices, and whether a long contract renewal term would be required to keep the same pricing for this new backhaul service. As of today, August 28, 2011, 26 days later, I have received no further response from AT&T.

One of my big concerns with the discontinuance of PremierSERV ATM generally is that the wind-down schedule doesn't appear to allow customers the option to renew for a long enough term to have a chance to keep the same rate under the past PremierSERV term pricing plans terms and conditions. Even if we were to offer a 5-year renewal now to keep the same rate, which had been necessary to secure the best rates, that would put our commitment beyond AT&T's intended ultimate shutdown of *that* service. DSL is tough enough with individual DSL circuit costs often being more than AT&T Internet charges at retail even before adding a portion of the ATM backhaul cost, Internet bandwidth, and other service costs, and it's getting to be a

tougher sell with no standalone service for wholesale customers, with AT&T raising the price of POTS lines required to be purchased by an end user customer who wants to also subscribe to an independent ISP using AT&T's wholesale DSL every year, and with no speed improvements to the wholesale DSL transport product to keep it competitive with cable modem and other alternatives, including AT&T's own Uverse network that it declines to wholesale to independent ISPs. It is important to us, and we believe other independent ISPs, that wholesale DSL backhaul costs not go up any further, and that we not be forced into long-term renewals to maintain our current pricing with the motivating product (DSL transport) slowly becoming less viable, desirable, and relevant. A typical 5-year renewal to retain the best prices is not reasonable today due to so many uncertainties with the viability and longevity of wholesale DSL transport, but doesn't appear to even be an option under the PremierSERV ATM wind-down plan since the time-frame is shorter than that. ISP's need assurances that we can retain ATM for DSL transport backhaul at very least at prices no worse than today, if not reduced (arguably they should be given the reduction in available uses for the limited ATM service replacement), and without having to commit to keeping the service beyond the practical viability of wholesale DSL transport for the individual ISP's business.

Remedies the Commission Should Require

For regular PremierSERV ATM, for all customers including general enterprise customers, AT&T should be required to maintain pricing on existing customer ports and circuits on a month-to-month basis without requiring any new contract term on the part of the customer, until as far as the ultimate wind-down date of the PremierSERV ATM service by AT&T, at the customer's discretion. The customer is being forced off the service by AT&T, and should be able to perform its migration to other AT&T services or to competitive providers on a schedule that makes the most sense for the customer while continuing to receive the best rates.

For the "Wholesale DSL Aggregation Service", which appears to be little more than a mechanism to effectively continue PremierSERV ATM beyond the noticed cutoff date for the limited purpose of supporting wholesale DSL transport backhaul, AT&T should be required to maintain existing ATM contract pricing on existing ports and circuits beyond the end-of-term on

a month-to-month basis without requiring a new term commitment from the customer, while transferring the service to the new Wholesale DSL Aggregation Service, leaving the customer with discretion of when exactly to terminate the service due to the declining retail marketplace viability of retail services based on wholesale DSL transport. AT&T should also be required to make moves and changes available at the same rates as ISPs have now from longer-term contracts with at most a limited renewed term commitment, say one year, followed by returning to month-to-month service at the same rates to accommodate changes an ISP needs to make due to outside circumstances (such as moving POP locations) that assures the customer ISP that they will not be stuck with a backhaul circuit that is useless due to the declining relevance of the wholesale DSL transport product absent any improvement in the wholesale DSL transport services by AT&T. We would like to continue using wholesale DSL transport as long as we can justify doing so considering the number of customers and cost of the backhaul service, but this is slowly declining in retail viability and we can't predict whether it'll be justified for 3 years, 7 years, or even longer, it's just an unknown. AT&T is doing essentially nothing to keep the wholesale DSL product relevant, and could even seek to raise prices on wholesale DSL transport circuits at any time, which would be insult to injury for an ISP forced to enter a new term agreement for a backhaul service for such a product only to be hit with increasing costs for the DSL transport circuits it is used to backhaul.

Conclusion

ATM service is a critical component for the backhaul of AT&T's wholesale DSL transport product offering, and Internet Service Providers (ISPs) who subscribe to AT&T's wholesale DSL transport are required to obtain ATM ports from AT&T, with no alternatives from other carriers. While AT&T has begun offering a functionally identical replacement ATM service it calls "Wholesale DSL Aggregation Service" for the purposes of backhauling wholesale DSL transport with no set termination date, there are a number of open questions related to the long-term pricing and term commitment policies of the service, and by virtue of the loss of PremierSERV ATM's enterprise customer segment, there will be little incentive for AT&T to keep the pricing of ATM for DSL backhaul by way of "Wholesale DSL Aggregation Service" in

check. Furthermore, customers of PremierSERV ATM appear to be prevented, by virtue of the PremierSERV ATM wind-down schedule description in AT&T's notice letter, from renewing service for a sufficiently long term that would normally be required to retain the best service pricing.

The Commission should impose requirements on AT&T to allow customers of PremierSERV ATM to retain their service at their existing pricing up through the ultimate wind-down date proposed by AT&T irrespective of term commitment expirations and without requiring a renewal term, and for customers to terminate the service at the customer's discretion, so as to allow migrations to occur in a manner most convenient to the customer (even if the customer is migrating to a competing carrier). Furthermore, for the specific case of ISPs utilizing the service for AT&T's wholesale DSL transport backhaul where a replacement "Wholesale DSL Aggregation Service" is now available for an indefinite period of time, the Commission should impose requirements on AT&T that ensure those ISP customers will receive pricing going forward for this replacement service no worse than these customers pay today on their term pricing plans due to the loss of the enterprise customer segment to help keep prices in check, and ensure that ISPs are able to drop the service without penalty as the wholesale DSL transport service becomes less viable and relevant due to a lack of updates and improvements to speeds and capabilities by AT&T, without requiring any term commitment on the part of the ISP except for a limited renewal term (one year, while still retaining a price based on a longer initial term) if an ISP initiates a port or circuit move for its own convenience and necessity.

Thank you for your consideration. Respectfully submitted on behalf of Raw Bandwidth Communications, Inc. and Raw Bandwidth Telecom, Inc.

Sincerely,



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